



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 8, 2024

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Martin Handler, et al.*, 23 Cr. 004 (JHR)

Dear Judge Rearden:

Pursuant to the Court's December 4, 2023 Order (ECF No. 183), the Government provides below an update regarding the status of its search, pursuant to a search warrant (the "Search Warrant"), of cellphones seized incident to the arrests of defendants Martin Handler, Menachem Lieberman, and Ben Werczberger.¹

1. Lieberman Cellphone

The Government has completed its extraction and review of data from the Lieberman Cellphone, produced the full contents of its extraction to Lieberman only on March 2, 2023, and produced data from the Lieberman Cellphone identified as responsive to the Search Warrant to all defendants on March 31, 2023.

2. Werczberger Cellphone

The Government has completed its extraction and review of data from the Werczberger Cellphone, produced the full contents of its extraction to Werczberger only on July 26, 2023, and produced data from the Werczberger Cellphone identified as responsive to the Search Warrant to all defendants on November 3, 2023, and on December 22, 2023.

3. M. Handler Cellphone

The Government has extracted data from the M. Handler Cellphone, and the Government produced the full contents of that extraction to M. Handler's counsel only on August 18, 2023. On December 22, 2023, the Government made an initial, rolling production to all defendants of data extracted from the M. Handler Cellphone that the Government identified as responsive to the

¹ Unless otherwise defined, capitalized phrases are assigned the same meaning set forth in the Court's March 21, 2023 Opinion and Order (ECF No. 71).

Search Warrant. The Government has completed its review of the M. Handler Cellphone, and hard drives were requested from the defendants. To date, a hard drive has been received from counsel to Werczberger and the data is being prepared for production.

Continued retention of the cellphones described above is necessary at this stage of the case, when it is unknown how, if at all, the defense will challenge the accuracy, reliability, or authenticity of the Government's data extraction, or how the defense will challenge chain-of-custody evidence concerning the cellphones.

Respectfully submitted,

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cc: All Counsel of Record